

an open top end, said top end extending upwardly beyond said pan top opening and said liner open top end being folded over said top edge of said one or more side walls of said pan;

wherein said pan liner does not have dog ears formed proximate said closed bottom end, thereby preventing entrapment of food portions.

37. (New) The food and kitchen management system of claim 36, wherein said pan upon removal of said pan liner is capable of being cleaned and sanitized with reduced associated expenses.--

#### **REMARKS:**

Reconsideration and allowance of the above-referenced patent application in view of the above amendments and the following comments are respectfully requested.

#### **Status of the Claims:**

Claims 1-27 were originally filed. Pursuant to restriction requirements, claims 6-7 and 13-27 have been withdrawn from consideration.

With respect to the claims currently being considered, claims 8, 10 and 12 have been cancelled. Claims 1 and 11 have been amended to recite a "single drop-in polymeric pan liner." Claim 1 has also been substantively amended by adding the following features of the pan liner: having a pre-formed contour fit; being suitable for food service applications; and capable of withstanding a temperature of about 400 degrees Fahrenheit. Support for these amendments are found throughout the specification, and particularly in the detailed description from line 7 on page 12 to line 9 on page 16, and in FIGS. 1-6. Claim 11 has been amended by deleting "nylon resin material," and substituting therefore "polyamide or polyester." This amendment is supported on page 16, lines 4-7.

New claims 28-37 have been added to claim features originally disclosed but not claimed, and are therefore fully supported by the originally filed specification.

Applicant respectfully submits that claim 1 is generic, and therefore dependent claims 6 and 7 should remain pending in the application. Accordingly, claims 1-7, 9, 11 and 28-37 are presented for review.

**Rejections:**

Prior to addressing the various grounds of rejection, Applicant believes it to be helpful to review several features and benefits provided by the present invention. The present invention relates to systems comprising a pan and a contour-fit polymeric pan liner for covering the pan interior. The pan liners are adapted for use in a wide temperature range making them useful for all aspects of food service, including preparing, cooking, serving and storing food portions. The pan liners are durable, have non-stick attributes, and do not include the problematic "dog ears" found in conventional bag liners, which can entrap food portions. Food can be placed into the pan liners for food preparation and/or cooking, and then transferred to a service area for serving the food, thus eliminating the need for multiple containers. Service of hot foods can include prolonged heat exposure to the food, which can result in the food drying out and/or baking-onto a pan in the absence of a liner as provided by the present invention. Accordingly, the liners improve the quality of food. Any remaining portions of food can be stored directly within the same liner, and thus eliminates the need for a separate storage container. The stored food can then be directly reheated in the same liner. Furthermore, after food service is completed, the pan liner can be removed from the pan and the pan cleaned with minimal effort. The pan will not need scrubbing or soaking, which can drive up associated costs (for example, cleaning materials, hot water, and labor costs including personnel overtime and turnover) of food service.

Some of the embodiments of the present invention are for use in commercial food service applications. The commercial food industry typically utilizes standard commercial sized and configured pans, such as those described on pages 10 and 11 of the specification. The liners are designed to be dropped into these standard pans and provide a contoured fit.

The newly proposed claims are directed to specific recitations of various embodiments encompassing the common theme and corresponding benefits as alluded to

above, and therefore, do not present new issues for consideration or search. Similar to the amended claims, the new claims are believed to be patentably distinct from the references of record.

35 U.S.C. § 102:

Claims 1 and 8-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ibsch (U.S. Pat. No. 2, 542, 413).

Ibsch discloses a series of laminated *sheets* (as characterized in the claim and shown in the figures) that may be placed over a *plate*, such that food can be placed on the plate and eaten from a number of times without having to wash the plate.

Applicant submits that Ibsch does not disclose or suggest a single drop-in polymeric pan liner having a pre-formed contour fit, that is suitable for food service applications (i.e., including food preparation, service and storage), and that is capable of withstanding a temperature of about 400 °F, all of which is recited in amended claim 1 (claims 8-10 are dependent on claim 1). Accordingly, withdrawal of this section 102 rejection is believed proper and is respectfully requested.

Claims 1 and 8-10 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ferlanti (U.S. Pat. No. 4,828,134).

Embodiments of the present invention as claimed in claims 1 and 8-10 recite a pan liner system comprising a single drop-in polymeric pan liner that is adapted for food preparation, service and storage. In contrast, Ferlanti discloses a layered cooking vessel having a *plurality of nested metal layers*. Ferlanti does not disclose a *single drop-in polymeric* pan liner. The Examiner states that he pan liner (10) of Ferlanti “is made from a material comprising plastic and is made of metal with a polytetrafluoroethylene (TEFLON) film.” A metal substrate having a TEFLON film is not synonymous with a polymeric liner. Thus, Applicant respectfully requests withdrawal of this section 102 rejection and reconsideration.

Claims 2-5 (dependent from amended claim 1) stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ibsch in view of Kugler (U.S. Pat. No. 3,549,451).

Kugler discloses a method of producing a plastic satchel bottom bag by burning away a portion of the bag (col. 1, lines 11-16). The bag of Kugler is suggested to be used in the packaging or bagging of bulky items (see col. 1, line 25). Kugler does not however, remedy the shortcomings of Ibsch as stated above. Specifically, Kugler does not disclose a polymeric pan liner that is suitable for food service applications and capable of withstanding a temperature of about 400 °F. Therefore, even assuming that it would have been obvious to modify the Ibsch liner sheet with the disclosed features of Kugler, and Applicant maintains it is not, the modified Ibsch would not result in embodiments of the present invention as claimed in claims 2-5. Thus, Applicant respectfully requests withdrawal of this section 103 rejection.

Claims 2-5 additionally stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ferlanti in view of Kugler.

The Examiner states that “Ferlandi discloses the invention except for the contoured bottom edge doesn’t have a flat bottom edge.” Claims 2-5 of the present invention, through the amendment to claim 1, recite, inter alia, a single drop-in polymeric pan liner having a pre-formed contour fit disposed within a pan that is suitable for food service applications, and that is capable of withstanding a temperature of about 400 °F. Ferlanti does not disclose or teach such features.

Furthermore, Ferlanti discloses a layered cooking vessel having a plurality of nested *metal layers*, and teaches away from the use of polymeric or paper material for one of its layers. Ferlanti discloses that plastic layers are “too fragile” and “likely to ignite” (col. 1, lines 14-25). Ferlanti does disclose an optional film of polytetrafluoroethylene deposited on its metal layers, but still relies on the metal layers themselves as providing a layer that is not “too fragile.” Thus, it would not have been obvious to replace the metal liners of Ferlanti with a plastic bag as taught by Kugler. Applicant respectfully requests withdrawal of this section 103 rejection.

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ibsch in view of the M&Q Plastic Products Brochure.

The Examiner states that “Ibsch discloses the invention except for the liner isn’t a high temperature plastic material,” and that “[i]t would have been obvious to replace the

liner of Ibsch with the high temperature nylon resin liner in order to save material cost and manufacturing cost related to forming a contoured liner.” Applicant disagrees.

As discussed above, Ibsch does not disclose all of the features as recited in the claims except for a high temperature liner, as alleged by the Examiner. Furthermore, the reasoning for the 103 rejection as outlined by the Examiner is faulty in that nylon can be more expensive than other polymers (e.g., polyolefins) and paper, which are the materials disclosed in Ibsch (see col. 2, lines 12-14).

Applicant believes that in view of the above comments, the section 103 rejection with respect to claim 11 should be withdrawn, and respectfully requests the same. Claims 10 and 12 have been cancelled, and therefore the rejections with respect to these claims are moot.

Claims 10-12 also stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ferlanti in view of the M&Q Plastic Products Brochure.

The Examiner states that “Ferlanti discloses the invention except for the liner isn’t a high temperature plastic material.” However, Ferlanti does not disclose or teach a single drop-in polymeric pan liner. In addition, Ferlanti teaches away from using paper or plastic as a material for its layer because those materials are “too fragile” and “likely to ignite” (col. 1, lines 14-25). Accordingly, it would not have been obvious to replace the metal layers of Ferlanti with a polymeric liner.

Based on the foregoing, Applicant respectfully requests withdrawal of this section 103 rejection with respect to claim 11. Claims 10 and 12 have been cancelled, and therefore the rejections with respect to these claims are moot.

#### **PROPOSED NEW CLAIMS:**

New claims 28-31 recite additional features of the pan liner that are improvements over the existing state of the art. None of the references of record disclose or suggest these features.

New independent claims 32, 34 and 36 include language in their preambles and recite corresponding features that specifically define various embodiments encompassed by the numerous benefits provided by the pan and liner systems of the present invention. The pan liners provide utility beginning with food preparation, and proceed through food

transfer, service, cleanup, storage and reheating. None of the prior art teaches this totality of features and associated benefits.

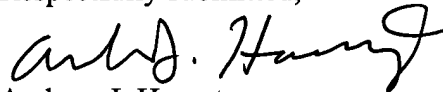
The proposed new claims do not raise new issues after Final Rejection, and no new search is believed to be required. Applicant respectfully request entry of the new claims and consideration of the same on the merits.

**CONCLUSION:**

Applicant believes the foregoing represents a complete response to the Office Action, and that the claims in their present form are in condition for allowance. Also, the above amendments present the currently rejected claims in better form for consideration on appeal. Early and favorable consideration is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

Respectfully submitted,



Andrew J. Hagerty  
Reg. No. 44,141

Date: 8/24/01

WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS  
One Liberty Place – 46<sup>th</sup> Floor  
Philadelphia, PA 19103  
(215) 568-3100



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 8, 10 and 12 have been cancelled, without prejudice.

Claims 1 and 11 have been amended as follows:

1. (Twice Amended) A pan liner system [having a contoured or customized shaped liner that can be disposed over an interior surface of a pan] for forming an improved barrier between [said] a pan and food disposed therein, said pan liner system comprising:

a pan, said pan comprising:

a bottom panel;

one or more side walls extending upwardly from said bottom panel, said one or more side walls each having a top edge, said top edge defining a pan top opening;

a single drop-in polymeric pan liner having a pre-formed contour fit and suitable for food service applications disposed within said pan to cover an interior surface of said pan [and made from a material comprising a plastic], said contour fit pan liner comprising:

a contoured bottom edge forming a closed bottom end disposed over said pan proximate said bottom panel;

one or more flexible side walls extending upwardly from said bottom end, wherein said side walls and said bottom end generally cover[ing] an interior surface of said pan; and

an open top end, said top end extending upwardly beyond said pan top opening and said liner open top end being folded over said top edge of said one or more side walls of said pan; [and]

wherein said pan liner does not have dog ears formed proximate said closed bottom end, thereby preventing entrapment of food portions; and

wherein said pan liner is capable of withstanding a temperature of about 400 degrees Fahrenheit.

11. (Amended) The pan liner system of claim [10] 1, wherein said pan liner is constructed from a high temperature [nylon resin material] polyamide or polyester.

New claims 28-37 have been added.